

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SMT JUSTICE ANIS

CIVIL MISCELLANEOUS APPEAL No.15 of 2017

Date:17.4.2017

Between:

NTPC Limited, Noida,
District Goutham Budh Nagar,
Uttar Pradesh.

..... Appellant

And:

M/s AMR India Limited,
Hyderabad, reptd by its Managing
Director-A.Mahesh Reddy and
two others.

.....Respondents

Counsel for the appellant: Mr. K.Sai Rama Murthy

Counsel for the respondents: Mr. S.Ravi

Senior Counsel

For Ms. K.Mamatha Chowdary

The Court made the following:

JUDGMENT: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Civil Miscellaneous Appeal arises out of an ad interim injunction order, dated 01.6.2016, in Arbitration O.P.No.1165 of 2016 on the file of the learned XI Additional Chief Judge, City Civil Court, Hyderabad.

During the hearing, it has come out that respondent No.1, in whose favour the afore-mentioned injunction order was granted by the Court below, has already moved the Arbitrator under Section-9(3) of the Arbitration and Conciliation Act, 1996 for interim relief.

Mr. S.Ravi, learned senior counsel appearing for the respondents, submitted that his clients have no objection for pursuing the said remedy already availed by them, provided their interests are safeguarded for a reasonable period to facilitate them to pursue the remedy before the Arbitrator.

After hearing Mr. K.Sai Rama Murthy, learned counsel for the appellant, we are of the opinion that it is appropriate to relegate both parties to the Arbitrator, instead of deciding this Civil Miscellaneous Appeal or Arbitration O.P.No.1165 of 2016 pending before the Court below. As the subject matter of the dispute pertains to encashment of bank guarantee and an ad interim injunction order is subsisting in favour of respondent No.1, it is just and equitable that the said injunction order shall

continue for a limited period to enable it to pursue the application filed by it for interim relief before the Arbitrator.

Accordingly, the Civil Miscellaneous Appeal is disposed of, without adjudicating the same on merits, by permitting respondent No.1 to pursue its remedy before the Arbitrator. The ad interim injunction order granted by the Court below in Arbitration O.P.No.1165 of 2016 shall continue only for a period of three weeks from today.

As a sequel to disposal of the Civil Miscellaneous Appeal, CMAMP.No.23 of 2017 shall stand disposed of as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE ANIS

17th April 2017

DR